

Amendment  
Serial No. 10/642,778

**REMARKS**

Claims 1-27 are pending in the application. Claims 12, 18-21, and 23-27 stand rejected. Claims 21, 22, and 25-27 are canceled without prejudice or a disclaimer. Claims 23 is amended to depend on claim 12. Claims 1 and 12 are independent claims.

Claims 2, 23, and 25 stand objected for allegedly containing informalities.

The Patent Office indicates that claim 2 should recite "multiplexed signals" at line 4, not the "multiplexed signal;" that claim 23 should recite the "central office," not "central office 100;" and that claim 25 should recite "and dividing optical signals," not "and optical signals."

In response, the Applicant corrects the error in claims 2 by amending claim 2 to recite "the multiplexed signals" at line 4. In addition, the Applicant corrects the error in claim 23 by deleting the reference number "100."

Claim 25, meanwhile, is canceled. As such, the Applicant believes that the objection to claim 25 need not be considered.

Based on foregoing amendments, the Applicant respectfully requests withdrawal of objections to claims 2, 23, and 25.

Claim 13 stands objected under 37 C.F.R. 1.75(c) as allegedly being an improper multiple dependent claim.

In response, the Applicant amends claim 13 to recite every feature contained in claim 1. The Applicant respectfully requests withdrawal of the objections on claims 13 and its dependent claims 14-17.

Claims 12 and 18-21 stand rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite.

Claims 12, 20, and 21 stand rejected under 35 U.S.C. 112, second paragraph, as allegedly

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being indefinite for failing to provide a proper antecedent basis for the term "second multiplexer/demultiplexer."

In response, the Applicant amends each of claim 12 and 20 to replace the "second multiplexer/demultiplexer," as originally recited, with the "first multiplexer/demultiplexer."

Claim 21, meanwhile, is canceled. As such, the Applicant believes that the rejection of claim 21 need not be considered.

Claim 12 stands rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to provide a proper antecedent basis for the term "the multiplexed signal inputted from the first WDM optical source."

In response, the Applicant amends claim 12 to recite "the signals inputted from the first WDM optical source."

Claim 12 stands rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. The Patent Office indicates that it is not clear which demultiplexed signals claim 12 is referring to at line 22.

In response, the Applicant amends claim 12 to recite "the second wavelength division multiplexer being configured to... output the demultiplexed upstream data service signals to said first multiplexer/demultiplexer."

Claim 18 stands rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for reciting "the first wavelength division multiplexer."

In response, the Applicant amends claim 12, the base claim of claim 18, to recite "a plurality of first wavelength division multiplexers, a first wavelength division multiplexers of the plurality of first wavelength division multiplexers being...." As such, a proper antecedent basis for "the first wavelength division multiplexer" recited in claim 18 is provided.

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Claim 18 stand rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for allegedly reciting a "third band-pass filter" and a "fourth band-pass filter" without reciting corresponding first and second band-pass filters.

In response, the Applicant amends claim 18 to recite a "first band-pass filter" and a "second band-pass filter."

Claim 19 stand rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for allegedly reciting a "fifth band-pass filter" and a "sixth band-pass filter" without reciting a corresponding first to fourth band-pass filters.

In response, the Applicant amends claim 19 to recite a "first band-pass filter" and a "second band-pass filter."

Based on foregoing the Applicant believes that each of the pending claims 12 and 18-20 are definite under 35 U.S.C. 112, second paragraph. The Applicant respectfully requests withdrawal of the rejections.

The Applicant wishes to thank the Examiner for allowing claims 1-11 as written. The Applicant notes that the Applicant has made minor amendments to claims 1 and 2 to further clarify each claim, without adding or deleting features to and from each claim.

The Applicant also wishes to thank the Examiner for indicating that claim 22 would be allowable if rewritten to comply with the requirements of 35 U.S.C. 112, second paragraph, and if rewritten as an independent claim incorporating all features of the base and intervening claims.

In response, the Applicant amends claim 12, the base claim, to incorporate the features of claims 22 and claim 21, claim 21 that is an intervening claim of claim 22.

The Applicant respectfully requests passage of claim 12.

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Claim 23 stands rejected under 35 U.S.C §102(b) as allegedly being anticipated by Frigo *et al.* (U.S. 5,742,414) ("Frigo").

As noted above, claim 23 is amended to depend on claim 12. As such, the Applicant believes that claim 23 is also patentable.

The Applicant respectfully requests withdrawal of the rejection on claim 23.

Claim 25 stands rejected under 35 U.S.C §102(b) as allegedly being anticipated by Frigo.


As noted above, claim 25 is canceled. As such, the Applicant believes that the rejection to claim 25 need not be considered.

Other claims in this application are each dependent on the independent claims 1 and 12, and believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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